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RJH

Paper Number 8

In re Application of:

Marcus A. Horwitz et al

Serial No. 08/786,533

Filed: January 21, 1997 ✓

For: ABUNDANT EXTRACELLULAR
PRODUCTS AND METHODS FOR
THEIR PRODUCTION AND USE

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed June 18, 1998, to withdraw the holding of abandonment.

On September 30, 1997, a letter was mailed to applicants which indicated that the application failed to comply with the sequence rules. On April 29, 1998, a Notice of Abandonment was mailed to applicants which indicated that the application was abandoned for failure to timely file a proper response to the September 30, 1997 letter. On June 18, 1998, the present petition was filed. The petition asserted that the letter dated September 30, 1997 was never received.

The petition of June 18, 1998 provided the evidence required by 1156 O.G. 53 in support of the allegation of nonreceipt of the letter in question. Accordingly, the petition is granted. The application has been returned to a pending status and the letter of September 30, 1997 remained herewith, with a response date set to expire one (1) months, or thirty (30) days whichever is longer, from the date of this decision.

At this point it is noted that since the petition was treated under the provisions of 37 CFR 1.181, the petition fee of \$130.00 was not required. Consequently, applicant may obtain a refund by directing a copy of this decision and a written request for such a refund to the Office of Finance.

PETITION GRANTED

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